



# **Equal Opportunity, Discrimination, Harassment and Bullying Policy**

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**March 2018**

## 1.0 Purpose

The Women's Housing Company Equal opportunity, discrimination, harassment and bullying prevention policy has been developed to inform our employees and business partners of our commitment to providing a workplace free of discrimination, bullying and harassment. We believe that all people deserve the right to equality and to work in an environment that is lawful and safe.

Women's Housing Company is committed to creating a work environment which fosters mutual trust, promotes job satisfaction and provides high quality service to our customers and business partners.

This policy serves to inform and outline Women's Housing Company's position and commitment to providing a workplace that allows each individual to reach their potential in a safe supportive environment.

## 2.0 Scope

This policy applies to:

- the Board
- all current employees of Women's Housing Company including; fulltime, part time, casual, fixed term, consultants, temporary and contract workers
- persons seeking employment with Women's Housing Company
- current and potential clients of Women's Housing Company
- when dealing with other stakeholders and support persons we may engage with from time to time.

It applies when:

- determining who is offered employment
- determining terms of employment
- providing access to opportunities for training, promotion and secondment
- when terminating employment
- when deciding on the type of service or facility offered to customers and the manner in which it is to be provided.

It applies:

- in the workplace and all work related activities whether or not held in the workplace such as customer visits, team events and training
- during and outside of normal working hours.

## 3.0 Policy statement

Women's Housing Company is an equal opportunity employer committed to ensuring that the working environment is free from discrimination, harassment and bullying.

Discrimination, harassment and bullying are unlawful in both state and federal legislation and against the core values of Women's Housing Company.

Women's Housing Company considers all types of discrimination, harassment and bullying to be unacceptable and has a zero tolerance in this regard.

Women's Housing Company is therefore committed to ensuring that:

- discrimination, harassment and bullying complaints are treated seriously
- complaints are attended to promptly and confidentially
- complaints are investigated impartially
- action is taken to ensure that misconduct does not continue, and
- complainants and witnesses are not victimised in any way.

### 3.1 Discrimination

Unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex, pregnancy or marital status, age, disability, religion sexual preference, trade union activity or some other characteristic specified under anti-discrimination or human rights legislation.

Discrimination can be either direct or indirect.

**Direct discrimination** occurs when a person is treated less favourably than another person in the same or similar circumstances on any of the grounds or attributes covered by equal opportunity legislation.

**Indirect discrimination** involves instances where certain groups are unreasonably excluded or otherwise disadvantaged by apparently neutral policies, practices or procedures.

### 3.2 Harassment

Harassment is any behaviour by a person which:

- is offensive, abusive, belittling or threatening
- is directed at any other person or group of people.

Unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race or religion
- asking intrusive questions about someone's personal life, including their sex life.

The point of view of the person being harassed helps determine whether an action or behaviour is considered harassment.

#### ***Sexual harassment***

Sexual harassment is unwanted, unsolicited and unreciprocated conduct of a sexual nature. It is behaviour which harasses because of a person's sex. It could include, amongst other things, touching someone, placing pressure on someone to engage in sexual behaviour (e.g. from a supervisor in return for promotion or positive evaluation) or making sexual jokes or remarks about (or to) a person.

### 3.3 Bullying

Bullying is behaviour that intimidates, humiliates, threatens and/or undermines a person. Bullying occurs where it is reasonably foreseeable that the behaviour creates a risk to health and safety. Bullying may involve a one-off situation where physical assault is involved, although it generally involves behaviour that is repeated over time.

Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse. This behaviour may include:

- physical, verbal or written abuse (being sworn at, threats, insults, continual criticism, name calling, practical jokes, threats)
- direct violence including physical assault
- yelling, screaming or offensive language
- threatening body language
- excluding or isolating employees
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job
- giving employees impossible jobs
- deliberately changed work rosters to inconvenience particular employees
- undermining work performance by deliberately withholding information vital for effective work performance.

### 4.0 What harassment and bullying is not

Reasonable disciplinary and performance improvement procedures are not bullying or harassment.

Managers, as part of their responsibility, should address performance and behavioural issues.

Constructively delivered feedback or counselling is intended to assist employees to improve their work performance or their standard of behaviour.

The process of providing feedback to staff during a formal performance appraisal, one on one or when counselling staff regarding their work performance, will not always be free of stress and managers and employees should manage these processes with sensitivity, whilst upholding their responsibility to provide full and frank feedback to staff.

### 5.0 Responsibilities

It is the responsibility of all Board members and staff to be familiar with this policy and to ensure that proper standards of conduct are upheld in the workplace and in our dealings with customers and business partners.

#### 5.1 All employees have a responsibility to:

- have a working knowledge of this policy and the related complaints and grievance handling procedure
- comply with this policy and be responsible for your own behaviour
- attend training as provided by the company from time to time
- raise concerns or observations of workplace discrimination, harassment or bullying taking place
- maintain complete confidentiality if involved in an investigation or a complaint.

#### 5.2 Managers have additional responsibilities including:

- promote and model appropriate behaviour
- promote the policy to team members and new starters
- treat complaints seriously and ensure that immediate action is taken to investigate and resolve them; and
- maintain confidentiality principles related to all complaints.

### **5.3 Board members have a responsibility to:**

- have a working knowledge of this policy and the related complaints and grievance handling procedure
- comply with this policy and be responsible for your own behaviour
- promote and model appropriate behaviour
- maintain confidentiality principles related to all complaints.

### **6.0 Breaches of this policy**

In line with our commitment to providing an environment free from discrimination, harassment and bullying, Women's Housing Company has taken a zero tolerance stance to breaches of this policy.

Employees found engaging in discriminatory, harassing or bullying conduct will be subject to disciplinary action, including termination.

### **7.0 What do I do if I think I have been discriminated against, harassed or bullied?**

If you feel you have been discriminated against, harassed or bullied, there are several avenues open to deal with unacceptable behaviour.

1. If you feel comfortable doing so, you may confront the other party directly and make it clear to them that their behaviour is unacceptable to you and is unwelcome. You should ask that the behaviour stop. If you do not feel comfortable in confronting the other party yourself, you should seek further advice or assistance.

Review the Women's Housing Company Complaints and Grievance Handling Procedure for more information.

In all instances, you can have access to the services of the Employee Assistance Program (EAP).

#### **7.1 External redress**

Employees are expected to utilise the Women's Housing Company Complaints and Grievance Handling Procedure. If an employee is dissatisfied with any procedural aspect of how the grievance/complaint was handled, or is dissatisfied with the outcomes of an investigation, they have redress through the Australian Human Rights Commission <http://www.hreoc.gov.au/> for discrimination/harassment based claims and can apply to the Fair Work Commission for redress in regards to claims of workplace bullying <http://www.fwc.gov.au/>.